

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airmail No. EV 378821687 US, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated July 1, 2004 Signature: *[Signature]*
(DeAnn F. Smith, Esq.)

COPY**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re the application of:** Wilhelm Amberg, *et al.***Application No.:** 09/757,142**Filed:** January 9, 2001**For:** Antineoplastic Peptides**Attorney Docket No.:** BBI-6026CPCN**Group Art Unit:** 1639**Examiner:** Celsa, Bennett M.

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER PURSUANT TO 37 C.F.R. §1.321(c)

Dear Sir:

I, DeAnn F. Smith, Esq., Registration No. 36,683, as attorney of record in the above-identified patent application, hereby declare that Abbott GmbH & Co. KG, Max-Planck-Ring 2, Wiesbaden, Germany 65205 is the owner of the above-identified patent application, by virtue of the assignment executed by Dr. Reinhold Köster and Mr. Jens Jürgen Heumann, authorized signatories of BASF Aktiengesellschaft, on May 22, 2003 and recorded in the United States Patent and Trademark Office on June 10, 2003, at Reel 013718, Frame 0861. I further declare that BASF Aktiengesellschaft, 67056 Ludwigshafen, Rheinland-Pfalz, Germany formerly retained ownership of the above-identified patent application, by virtue of the assignment executed by Wilhelm Amberg on December 18, 1998, Teresa Barlozzari on November 10, 1998, Harald Bernard on

U.S.S.N.: 09/757,142

Group Art Unit: 1639

- 2 -

December 18, 1998, Ernst Buschmann on December 18, 1998, Andreas Haupt on November 12, 1998, Hans-Guenther Hege on December 18, 1998, Bernd Janssen on November 11, 1998, Andreas Kling on December 18, 1998, Helmut Lietz on December 18, 1998, Kurt Ritter on November 12, 1998, Martina Ullrich on December 18, 1998, Jurgen Weymann on December 18, 1998, and Thomas Zierke on December 18, 1998, recorded in the United States Patent Office on December 28, 1998 at Reel 9664, Frame 0700.

I further declare that Abbott GmbH & Co. KG, Max-Planck-Ring 2, Wiesbaden, Germany 65205 is also the owner of U.S. Patent (6,015,790) by virtue of the assignment executed by Laura J. Schumacher, authorized signatory of Abbott Laboratories, on June 29, 2004 and provided to the United States Patent and Trademark Office on June 30, 2004 for recordation. I further declare that Abbott Laboratories formerly retained ownership of U.S. Patent 6,015,790 by virtue of the assignment executed by authorized signatories of BASF Aktiengesellschaft, on October 30, 2003 and recorded with the United States Patent and Trademark Office on December 9, 2003 at Reel 014178 and Frame 0452. I further declare that BASF Aktiengesellschaft formerly retained ownership of U.S. Patent 6,015,790, by virtue of the assignment executed by Barlozzari, Teresa on December 23, 1997, Banerjee, Subhashis on January 14, 1998, and Haupt, Andreas on January 14, 1998, and recorded in the United States Patent and Trademark Office on January 29, 1998, at Reel 008958, Frame 0062.

Therefore, Assignee Abbott GmbH & Co. KG hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of U.S. Patent 6,015,790, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,015,790, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Assignee Abbott GmbH & Co. KG does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full

U.S.S.N.: 09/757,142

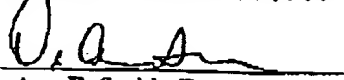
Group Art Unit: 1639

- 3 -

statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 6,015,790, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); has all claims canceled by a reexamination certificate; is reissued; or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Signed at Boston, Massachusetts this 1st day of July, 2004.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP.


DeAnn F. Smith, Esq.
Registration No. 36,683
Attorney for Applicants

PTO/SB/97 (12-97)
Approved for use through 9/30/00 OMB 0651-0031
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to Facsimile No. (571) 273-0807 Examiner Celsa, Bennett M. at the United States Patent and Trademark Office, on the date shown below.

on August 24, 2004
Date


Signature

DeAnn F. Smith, Esq.
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper

Supplemental Communication (2 pages);
Copy of Terminal Disclaimer (U.S. Patent No. 6,015,790) (3 pages)
Copy of Terminal Disclaimer (U.S. Patent No. 5,851,002) (3 pages)
Copy of Terminal Disclaimer (U.S. Patent No. 5,965,700) (3 pages)
Copy of Terminal Disclaimer (U.S. Patent No. 6,103,698) (3 pages)
Copy of Postcard Receipt date stamped by U.S. Patent and Trademark Office
December 1, 2003 (1 page)
Copy of Postcard Receipt date stamped by U.S. Patent and Trademark Office
July 1, 2004 (1 page)
Copy of (PTO/SB/21) Transmittal Form mailed to U.S. Patent and Trademark
Office July 1, 2004 (1 page) and
This Certificate of Transmission under 37 CFR 1.8 (1 page).